

Part 121-5: WHAT REMAINS TO BE DONE?

In this Plan we have adopted a vision for the next 20 years that we are confident preserves Rhode Island's unique quality of place while meeting our needs for reasonably affordable housing, a vibrant economy and a healthy environment. But do we have the means to achieve this vision? The following examines some of Rhode Island's capabilities.

5-1 The State Guide Plan

Our state benefits from a tradition of *statewide* land use planning, dating back at least as far as a special report in 1955 by the Rhode Island Development Council, *Background for a Guide Plan for the Future Development of Rhode Island*. In that report, the Development Council recognized that there were "natural and cultural resources which have been and will continue to be most significant in the development of our state" and called for a management regime that set the foundation for the current State Guide Plan system of 28 themed elements. ((17))

In 1963 the Statewide Planning Program was established. Its charge included preparing and maintaining the Guide Plan and centralizing and integrating long-range goals, policies and plans with short-term projects and plans. The State Planning Council, heading the Statewide Planning Program, adopted its first land use plan in 1969.

The State Guide Plan promotes planning coordination in several ways, being used as both a resource and review mechanism for projects and implementation measures, such as:

- Proposals requesting federal funds.
- Applications for U.S. Army Corps of Engineers permits.
- Environmental Impact Statements.
- R.I. Economic Development Corporation projects.
- Projects being reviewed by the Energy Facility Siting Board.
- Applications for various loans, grants, or other federal or state financing.
- Rules and regulations promulgated by state agencies.
- Property leases and conveyances proposed before the State Properties Committee.

Besides these, one of the most important roles the State Guide Plan plays in coordinating planning is in the review of local comprehensive plans. This determines whether the state will certify a local plan so that state projects are bound to be consistent with it in the same way that local projects are consistent with the State Guide Plan.

5-2 Local Comprehensive Plans

Legislative efforts to implement the current land use element of the State Guide Plan concentrated on updates to the state's enabling statutes for municipal planning, zoning and subdivision, and land development review – all of which were substantially rewritten. After years of effort, legislation was passed that equipped municipalities with the statutory authority necessary to be firmly in charge of the planning, zoning, and design of their future land use within a framework set by the State Guide Plan.

Local planning, of course, is not new. Municipal plans have been required by law for at least 35 years (see Section 45-22-7 of the R.I. General Laws), their primary objectives to underpin zoning regulations and guide capital improvements. Since the 1960s, Rhode Island municipalities have prepared and adopted local plans, many with the help of the state's former Department of Community Affairs.

Now, under the *Rhode Island Comprehensive Planning and Land Use Regulation Act* (1988), Rhode Island cities and towns must have a locally adopted Community Comprehensive Plan that must be updated at least once every five years. Municipal plans are required to be reviewed by the state for consistency with state goals and policies; in turn, state agency projects and activities are to conform to local plans that have received state approval. Adopted local plans also set the basis for the exercise of key local implementing powers for land use – zoning and development review ordinances.

This legislation codifies a message conveyed to state planners in the 1970s: *all land use activity is local*. With the exception of federal and state-owned property, and environmental protection regulations, all decisions about which land uses to permit are made at the municipal level. This is not to understate the potential regional impacts of major local development or building trends. However, it is essential to have an understanding and appreciation of the municipal requirements for planning and the process for implementing such plans. Viewed this way, Rhode Island's 39 municipal land use programs become key components for implementation of the *State Land Use Policies and Plan*.

The Rhode Island Comprehensive Planning and Land Use Regulation Act specified the requirements for municipal comprehensive plans, calling each “a statement (in text, maps, illustrations, or other media of communication) that is designed to provide a basis for rational decision-making regarding the long term physical development of the municipality.” ((23:22.2-6)) There are nine required elements:

- Goals and policies
- Land use
- Housing
- Economic development
- Natural and cultural resources
- Services and facilities
- Open space and recreation
- Circulation
- Implementation

According to the legislation, the land use element is supposed to designate “the proposed general distribution and general location and interrelationship of land use for residential, commercial, industry, open space, recreation facilities, and other categories of public and private uses of land.” But it also must go further:

The land use element is based upon the other elements... and it shall relate the proposed standards of population density and building intensity to the capacity of the land and availability of planned facilities and services. A land use plan map, illustrating the future strategy and land use policy of the municipality, as defined by the comprehensive plan, is required. The land use plan must contain an analysis of the inconsistency of existing zoning districts, if any, with the land use plan. The land use plan should specify the process by which the zoning ordinance and zoning map shall be amended to conform to the comprehensive plan. ((23:22.2-6))

The legislation gave municipalities total discretion in their definition and categorization of land use. State standards for preparing comprehensive plans, issued by the State Planning Council, reflected the local prerogative approach, likewise not specifying land use categories for mapping.

Without directions for standardizing categories for land uses, each municipality seems to have developed a unique land planning and zoning system and terminology, and this is clearly evident in their individual approaches to land use mapping. The state law did specifically *require* consistency with both state agency plans and plans of adjacent municipalities, but a system with 39 distinct local plan and map categories makes comparison and analysis to determine consistency very difficult.

In an effort to bring some conformity to the process, Statewide Planning created a Composite Future Land Use Map from the 39 municipal maps by interpolating the numerous municipal land use categories. This map, shown as Map 121-04(5), was used in assessing alternative future land use scenarios in Part Four.

This is to say that plans currently exist for the entire area of the state – all 690,000 acres. Zoning and other land use regulations are in place to control development of every parcel in the state. Clear details of Rhode Island’s overall land use plans, that is, the minimum requirements for future building on all the 366,000 individual land parcels in the state, are contained in the multiple public plans, development regulations and codes of local agencies.

These official plans and regulations mandate the shape and scale of building envelopes, site design work, and public improvement standards for all physical development within the state. Land use regulations, in all their permutations, create Rhode Island’s greenspace, community design and infrastructure at the state, municipal, and neighborhood levels. Land use regulations go far beyond the listing of uses to which land can be put within certain zones.

Thus there exist detailed instructions for building and conserving that cover the entire state. Piecing the regulatory requirements together from all the plans and regulations would create a blueprint for the state’s future land use. Unfortunately, to date only the general outlines of this blueprint are discernible from a statewide or

regional perspective. As mentioned above, the 39 major pieces of the blueprint are held by the individual cities and towns. Only a few of those pieces contain the design details and three-dimensional character that a good blueprint or model provides. The strategies outlined herein attempt to complete that blueprint.

5-3 Planning Capacity

As of the writing of this Plan, 33 of the 39 municipalities had full-time planning staff. This is a significant increase since the adoption of the previous land use plan, and can be attributed to both the new legislative requirements for planning and the increase in development activity particularly in rural communities. While on the one hand the professional planning capacity in local government has significantly increased, it is also very strained with limits on personnel and budgets.

In our discussions with local planners, the second most mentioned problem was *local capacity*. This reflected the frustration of local officials who feel there is a significant gap between land use planning in theory and reality, i.e., the ability of communities to implement what they know from theory to be the best land use practice. In their view, both project-specific development review and long-term planning require a greater level of knowledge, information, and resources than are available on the municipal level.

They also noted that workloads are overwhelming local officials. Planners spend most of their time reacting on a case-by-case basis rather than acting proactively by developing or implementing plans. The frustrations of the professional staff are often compounded by local boards and commissions that generally lack training in planning and development principles, or in their legal powers and authority.

In response to these issues, this plan proposes implementation goals and strategies to:

- Provide communities with more technical assistance.
- Provide local boards and commissions with more education and training.
- Provide communities with model ordinances, best practices, forecasting models, etc.
- Promote regional cooperation and information sharing.

5-4 Implementation

This part outlines a framework of objectives and strategies for realizing the plan's vision for Rhode Island 2025. Under the goals for Greenspace, Community Design, Infrastructure and Implementation, a total of 25 major objectives and nearly 90 specific strategies has been established. The matrix that follows lists the goals and objectives together with their related strategies. The table identifies the key agents, and a lead agent, for each strategy. Strategies are also identified as short-term, long-term, or ongoing. Additional work will focus on developing performance measures for each of the goals, and these will be published as an addendum to this report.

